

117TH CONGRESS
1ST SESSION

S. 1112

To amend the National Trails System Act to designate the Chisholm National Historic Trail and the Western National Historic Trail, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2021

Mr. MORAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Trails System Act to designate the Chisholm National Historic Trail and the Western National Historic Trail, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chisholm National
5 Historic Trail and Western National Historic Trail Des-
6 ignation Act”.

1 **SEC. 2. DESIGNATION OF THE CHISHOLM NATIONAL HIS-**
 2 **TORIC TRAIL AND THE WESTERN NATIONAL**
 3 **HISTORIC TRAIL.**

4 Section 5(a) of the National Trails System Act (16
 5 U.S.C. 1244(a)) is amended by adding at the end the fol-
 6 lowing:

7 “(31) CHISHOLM NATIONAL HISTORIC TRAIL;
 8 WESTERN NATIONAL HISTORIC TRAIL.—

9 “(A) ESTABLISHMENT.—

10 “(i) CHISHOLM NATIONAL HISTORIC
 11 TRAIL.—The Chisholm National Historic
 12 Trail, a trail most heavily used by ranchers
 13 and drovers to move cattle to market be-
 14 tween 1867 and 1884, extending along a
 15 route of approximately 1,378 miles from
 16 Kingsville, Texas, through Cuero and San
 17 Antonio, Texas, northward through Okla-
 18 homa to Abilene, Kansas, as generally de-
 19 picted on the maps numbered 1 through 6
 20 contained in the report prepared by the
 21 National Park Service entitled ‘Chisholm
 22 and Great Western National Historic Trail
 23 Feasibility Study/Environmental Assess-
 24 ment’ and dated May 2019.

25 “(ii) WESTERN NATIONAL HISTORIC
 26 TRAIL.—The Western National Historic

Trail, a trail most heavily used by ranchers and drovers to move cattle to market between 1874 and 1897, extending along a route of approximately 1,350 miles from Kingsville, Texas, northward through Oklahoma and Dodge City, Kansas, to Ogallala, Nebraska, as generally depicted on the maps numbered 1 through 6 contained in the report prepared by the National Park Service entitled ‘Chisholm and Great Western National Historic Trail Feasibility Study/Environmental Assessment’ and dated May 2019.

“(B) AVAILABILITY OF MAP.—The maps described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

“(C) ADMINISTRATION.—

“(i) IN GENERAL.—The Secretary of the Interior shall administer the trails established by subparagraph (A) as a single administrative unit.

“(ii) ADMINISTRATION OF PORTIONS OF TRAIL ON NON-FEDERAL LAND.—

1 “(I) REQUIREMENTS FOR ADMIN-
 2 ISTRATION.—The Secretary of the In-
 3 terior shall administer any portion of
 4 a trail established by subparagraph
 5 (A) that is located on non-Federal
 6 land only—

7 “(aa) with the voluntary
 8 consent of the owner of the non-
 9 Federal land; and

10 “(bb) if the portion qualifies
 11 for certification as a component
 12 of the applicable trail, consistent
 13 with section 3(a)(3).

14 “(II) CERTIFICATION AGREE-
 15 MENT.—

16 “(aa) IN GENERAL.—The
 17 approval by an owner of applica-
 18 ble non-Federal land of a certifi-
 19 cation agreement shall satisfy the
 20 consent requirements of sub-
 21 clause (I)(aa).

22 “(bb) TERMINATION.—A
 23 certification agreement referred
 24 to in item (aa) may be termi-
 25 nated at any time.

1 “(iii) ACCESS TO PRIVATE PROP-
 2 PERTY.—The establishment of a trail by
 3 subparagraph (A) does not authorize any
 4 person to enter private property without
 5 the consent of the owner of the private
 6 property.

7 “(iv) RECOGNITION OF ALTERNATIVE
 8 NAMES FOR TRAILS.—In referring to a
 9 trail established by subparagraph (A) in
 10 maps and other documents, the Secretary
 11 of the Interior may acknowledge and use
 12 any alternative name that was historically
 13 used to reference the trail, including the
 14 ‘Great Western Trail’.

15 “(D) LAND ACQUISITION.—

16 “(i) DONATION.—The Secretary of
 17 the Interior may accept a donation of land
 18 or an interest in land for a trail estab-
 19 lished by subparagraph (A).

20 “(ii) LIMITATION.—The Secretary of
 21 the Interior may not acquire for a trail es-
 22 tablished by subparagraph (A) any land or
 23 interest in land—

24 “(I) that is located outside the
 25 exterior boundary of any federally

1 managed area without the consent of
2 the owner of the land or interest in
3 land; or

4 “(II) that extends more than an
5 average of $\frac{1}{4}$ of a mile on either side
6 of a trail established by subparagraph
7 (A).

8 “(E) EFFECT ON ENERGY DEVELOPMENT,
9 PRODUCTION, OR TRANSMISSION.—Nothing in
10 this paragraph, the acquisition of land or an in-
11 terest in land authorized by this paragraph, or
12 any management plan for a trail established by
13 subparagraph (A) prohibits, hinders, or dis-
14 rupts the development, production, or trans-
15 mission of energy.

16 “(F) NO BUFFER ZONES.—

17 “(i) IN GENERAL.—Nothing in this
18 paragraph, the acquisition of land or an in-
19 terest in land authorized by this para-
20 graph, or any management plan for a trail
21 established by subparagraph (A) creates a
22 buffer zone.

23 “(ii) OUTSIDE ACTIVITIES.—The fact
24 that an activity or use on land outside a
25 trail established by subparagraph (A) can

1 be seen, heard, or detected from the appli-
 2 cable trail, including from any land or in-
 3 terest in land acquired for the applicable
 4 trail, shall not preclude, limit, control, reg-
 5 ulate, or determine the conduct or manage-
 6 ment of the activity or use outside the ap-
 7 plicable trail.

8 “(G) NO EMINENT DOMAIN OR CONDEMNATION.—Land or an interest in land may not be
 9 acquired for a trail established by subparagraph
 10 (A) by eminent domain or condemnation.

12 “(H) INVENTORY OF SITES; ADMINISTRATIVE COSTS.—The Secretary of the Interior
 13 shall be responsible for—
 14

15 “(i) the costs of any inventory to iden-
 16 tify and define potential sites and seg-
 17 ments for inclusion in a trail established by
 18 subparagraph (A); and

19 “(ii) any other applicable administra-
 20 tive costs relating to a trail established by
 21 that subparagraph.

22 “(I) NOT A DESIGNATION OF ‘LANDS IN
 23 THE NATIONAL PARK SYSTEM’.—Notwith-
 24 standing any other provision of law, the estab-
 25 lishment of a trail by subparagraph (A) shall

not have the effect of designating the trail or any land on which the trail is located as ‘lands in the National Park System’ for purposes of section 28(b)(1) of the Mineral Leasing Act (30 U.S.C. 185(b)(1)).

“(J) NO NEW AUTHORITIES OR PERMITS.—

“(i) NO EFFECT ON AUTHORITY TO GRANT EASEMENTS OR RIGHTS-OF-WAY.—

“(I) IN GENERAL.—Notwithstanding any other provision of law, the establishment of a trail by subparagraph (A) shall not alter or affect the existing authority of any Federal, State, or local agency or official to grant easements or rights-of-way over, under, across, or along any portion of the trail.

“(II) AUTHORITY OF HEADS OF FEDERAL AGENCIES TO GRANTS EASEMENTS OR RIGHTS-OF-WAY.—Notwithstanding the establishment of a trail by subparagraph (A), the head of any Federal agency having jurisdiction over any Federal land on which the

1 trail is located (other than land that
2 is considered to be ‘lands in the Na-
3 tional Park System’ for purposes of
4 section 28(b)(1) of the Mineral Leas-
5 ing Act (30 U.S.C. 185(b)(1)) as a re-
6 sult of an establishment under any
7 other law), shall have the authority to
8 grant easements or rights-of-way over,
9 under, across, or along any applicable
10 portion of the trail in accordance with
11 the laws applicable to the Federal
12 land.

13 “(ii) NO NEW PERMITS REQUIRED.—
14 Notwithstanding any other provision of
15 law, the establishment of a trail by sub-
16 paragraph (A) shall not subject the trail or
17 any land on which the trail is located to
18 any other Federal laws (including regula-
19 tions) requiring a Federal permit or au-
20 thorization that would otherwise be made
21 applicable as a result of the establishment
22 of the trail as a component of the National
23 Trails System.”.

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